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January 14, 2025

Via ECF/CM

Hon. Jennifer E. Willis
United States District Court
Southern District of New York
Thurgood Marshall United States Courthouse
40 Foley Square
New York, New York 10007

RE: *PDB Limited v. Petróleos de Venezuela, S.A. and PDVSA Petróleo S.A.*, No. 1:23-cv-10843 (AT-JW): Defendants' Response to the Court's January 7, 2025 Order

Dear Judge Willis:

We represent Defendants Petróleos de Venezuela, S.A. and PDVSA Petróleo, S.A. ("Defendants"). We write pursuant to your Honor's order, dated January 7, 2025, which asks Defendants to inform the Court whether the Second Amended Complaint filed by PDB Limited ("Plaintiff") on December 24, 2024, *see* Dkt. No. 65, moots Defendants' Motion to Dismiss the Amended Complaint, filed on December 9, 2024. *See* Dkt. Nos. 61-63.

Defendants moved to dismiss the Amended Complaint under Fed. R. Civ. P. 12(b)(6) based on Plaintiff's failure to allege its contractual standing to bring this action. Specifically, Plaintiff failed to allege that it received authorization to sue from the register holder of the notes at issue, Cede & Co.

In the Second Amended Complaint, Plaintiff alleges that on August 23, 2024, Cede & Co. authorized Plaintiff to initiate this action. The Second Amended Complaint, therefore, cures the pleading deficiencies identified in Defendants' Motion to Dismiss. Accordingly, Defendants withdraw their Motion to Dismiss.

Defendants have withdrawn their motion to dismiss at ECF No. 61. *See* ECF No. 70. Accordingly, the motion at ECF No. 61 is DENIED as moot. The Clerk of Court is respectfully directed to terminate the motion at ECF No. 61.

SO ORDERED.

Dated: July 29, 2025
New York, New York


ANALISA TORRES
United States District Judge